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Docket No.: 050229-0267 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Peter Anthony CROOKS, et al.	:	Confirmation Number: 5136
Application No.: 09/881,215	:	Group Art Unit: 1614
Filed: June 15, 2001	:	Examiner: Zohreh A. Fay

For: AGMATINE AND AGMATINE ANALOGS IN THE TREATMENT OF EPILEPSY, SEIZURE AND ELECTROCONVULSIVE DISORDERS

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Non-Compliant Appeal Brief dated July 23, 2007. According to the Notice, the Status of Claims section of the Brief does not identify the claims on appeal and the Summary of Claimed Subject Matter section of the Brief does not identify and map all independent claims on appeal to the specification by page/line number. With respect to the latter item, a typographical error was noted in the section when the Appeal Brief as originally submitted was reviewed. The independent claims are claims 5 and 13, and not claims 5 and 12. The section has been amended to reflect the correct independent claims.

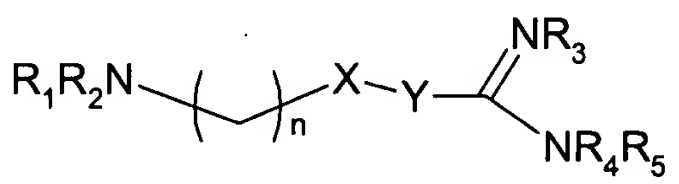
Status of Claims

Claims 5, 7, 9, 11 and 13-20 are pending in this application and are under final rejection. Claims 1-4, 6, 8, 10 and 12 were previously cancelled and are no longer pending. Appeal is

taken from the rejection of claims 5, 7, 9, 11 and 13-20. Claims 5, 7, 9, 11 and 13-20 are on appeal.

Summary of Claimed Subject Matter

Claims 5 and 13 are the only independent claims. Claim 5 is directed to a method of treating, ameliorating or preventing seizures associated with epilepsy by administering 0.1 to about 500 mg of an agmatine or an agamtine analog having the following formula:



wherein

n is 0 to about 10;

R_1, R_2, R_3, R_4, and R_5, are each independently, or any combination thereof: hydrogen, hydroxy, substituted or unsubstituted $C_{1\text{-}10}$ alkyl, substituted or unsubstituted $C_{3\text{-}8}$ cycloalkyl, substituted or unsubstituted arylalkyl (comprising Ar-$(CH_2)_m$; where Ar is aromatic and m is 0 to about 10) substituted or unsubstituted $C_{1\text{-}10}$ alkoxyl, substituted or unsubstituted $C_{1\text{-}10}$ acyl, halogeno, amido, phenyl, thio, or amino; and

X and Y are each independently: O, NH, CH_2, CF_2, Se, C=O, C=N, or C=S, or X-Y together is HC=CH, C≡C, N=N, N=CH, CH=N, or a saturated or unsaturated ring (page 9, line 20 to page 10, line 8).

Claim 13 is similar to claim 5 with the additional step of identifying a human subject in need of said treatment or prevention (page 9, 11-19 and original claim 13).

Claim 7 is dependent on independent claim 5 and further limits method claim 5 to a pharmaceutical composition comprising agmatine or its pharmaceutically acceptable salt and a pharmaceutically acceptable carrier (page 9, lines 20-22).

Claim 9 further limits claim 7 by limiting the dosage amount to between about 0.1 and about 50 mg/kg per day indefinitely or until seizures associated with epilepsy (page 14, lines 19-21).

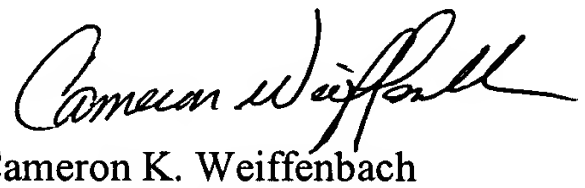
Claims 11 and 17 limit method claims 5 and 13, respectively, to preventing or reducing seizures associated with epileptic activity (page 1, lines 8-10 and original claims 12 and 17).

Conclusion

For all of the foregoing reasons, it is believed that the objections raised in the Notice of Non-Compliance are overcome and that Appellant's Appeal Brief comports with the new rules.

Respectfully submitted,

McDERMOTT, WILL & EMERY



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